

REMARKS

Reconsideration is respectfully requested in light of the foregoing Amendments and the Remarks that follow.

Claims 1-13 and 38-46 are pending in the application, with claims 1, 8, and 38 being the independent claims. Claims 14-37 and 47-59 are withdrawn from consideration. Claims 1, 8, and 38 are currently amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Information Disclosure Statements

Applicant notes that the signed copies of the Information Disclosure Statements (IDS) provided with the Office Action were not completely initialed. See specifically, page 2 of the PTO-1449A received in the Office on September 6, 2002. Applicant also notes that these references did not have a line through them to indicate that they were not considered. Applicant respectfully requests that the Office provide updated copies of the pertinent IDS forms. In the alternative, if the Office does not feel that a reference or IDS was properly submitted, applicant respectfully requests that the Office provide a specific indication so that applicant may correct any error.

Amendments to the Specification

Applicant respectfully provides cross-reference to related applications. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Election/ Restrictions

In the Office Action, at page 2, the Office restricted the claims into two groups. These restrictions were communicated by the Examiner on March 19, 2004. Applicant hereby affirms the

provisional election of Group I: claim 1-13 and 38-46 without traverse; such election provisionally made by applicant's representative, Ralph P. Albrecht, on March 19, 2004.

Rejection under 37 CFR § 101

In the Office Action, at pages 3-4, paragraph 9, the Office Action rejects claims 1-13 and 38-46 under 35 U.S.C. §101.

The Office Action argues that, although the claimed invention produces a useful, concrete, and tangible result, the claimed invention as a whole is not within the technological arts. The Office Action suggests, at page 5, that language be added to “the body of limitations of the independent claims 1, 8 and 38 indicating that the limitations are carried out by the use of technology (i.e. computer system).”

Applicant concurs with the Office regarding the usefulness, concreteness, and tangibility of results of the claimed invention. Additionally, applicant respectfully amends the independent claims in accord with the direction provided by the Office.

Applicant therefore respectfully requests that the Examiner reconsider the outstanding rejection and that it be withdrawn. For at least the above reasons, applicant respectfully submits that claims 1-13 and 38-46 are believed to be in condition for allowance. Furthermore, while only the independent claims have been specifically amended, the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Hence, withdrawal of the rejection is respectfully requested.

Rejection under 37 CFR § 102(e)

In the Office Action, at page 5, the Office rejects claims 1-13 and 38-46 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,438,642 to Shaath (hereinafter “the ‘642 patent”).

The Office Action provides that the '642 patent has a common inventor and assignee with the instant application. See paragraph 11.

Applicant concurs with the Office regarding the common inventorship and ownership of the '642 patent and the instant application. Applicant respectfully submits an Affidavit under 37 C.F.R. §1.132 to overcome the rejection on the basis that the subject matter disclosed but not claimed in the '642 patent was derived by Kamel Shaath, a common inventor, and is thus not an invention "by another."

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Dated: June 28, 2004

Respectfully submitted,

By 

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